

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

JANAY LITZ,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
FOCUS RECEIVABLES MANAGEMENT,	§	
LLC,	§	
	§	
Defendant.	§	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, JANAY LITZ (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, FOCUS RECEIVABLES MANAGEMENT, LLC (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing at 1 Daniel Court, Iowa Park, Texas 76367.
7. Plaintiff is a consumer as that term is defined by 15 *U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by 15 *U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Marietta, Georgia.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant is attempting to collect a consumer debt from Plaintiff on behalf of the original creditor, Discover.
12. Plaintiff's alleged debt owed to Discover arises from transactions for personal, family, and household purposes.
13. Starting in approximately April of 2011, Defendant began placing collection calls to Plaintiff in an attempt to collect a debt.
14. Defendant calls Plaintiff at home (940-592-33xx), on Plaintiff's cell phone (940-636-24xx), and at Plaintiff's work (940-322-69xx), in an attempt to collect a debt.
15. Defendant called Plaintiff at work and each time Plaintiff requested that Defendant stop calling Plaintiff at work.
16. Plaintiff gave Defendant Plaintiff's home telephone number and requested Defendant call Plaintiff at home.

17. Plaintiff first requested that Defendant stop calling Plaintiff at work in June of 2011.

18. Despite Plaintiff's requests, Defendant continued to call Plaintiff at work on or about July 21, 2011; July 28, 2011; and on or about August 1, 2011.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

19. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff in connection with the collection of a debt at a time or place known or which should be known to be inconvenient to Plaintiff.
- b. Defendant violated §1692c(a)(3) of the FDCPA by communicating with Plaintiff at Plaintiff's place of employment even though Defendant knew that Plaintiff's employer prohibits Plaintiff from receiving such communications at work.
- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.

WHEREFORE, Plaintiff, JANAY LITZ, respectfully requests judgment be entered against Defendant, FOCUS RECEIVABLES MANAGEMENT, LLC, for the following:

20. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
22. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JANAY LITZ, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, JANAY LITZ, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JANAY LITZ, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

8/11/11

Date


JANAY LITZ